

105TH CONGRESS
2D SESSION

S. 1636

To provide benefits to domestic partners of Federal employees.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 12, 1998

Mr. WELLSTONE introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To provide benefits to domestic partners of Federal employees.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Domestic Partnership
5 Benefits and Obligations Act of 1998”.

6 **SEC. 2. BENEFITS TO DOMESTIC PARTNERS OF FEDERAL**
7 **EMPLOYEES.**

8 (a) IN GENERAL.—A domestic partner of an em-
9 ployee shall be entitled to benefits available to and obliga-
10 tions imposed upon a spouse of an employee.

1 (b) CERTIFICATION OF ELIGIBILITY.—In order to ob-
2 tain benefits under this Act, an employee shall file an affi-
3 davit of eligibility for benefits with the Office of Personnel
4 Management certifying that the employee and the domes-
5 tic partner of the employee—

6 (1) are each other's sole domestic partner and
7 intend to remain so indefinitely;

8 (2) have a common residence, and intend to
9 continue the arrangement;

10 (3) are at least 18 years of age and mentally
11 competent to consent to contract;

12 (4) share responsibility for a significant meas-
13 ure of each other's common welfare and financial ob-
14 ligations;

15 (5) are not married to or domestic partners
16 with anyone else;

17 (6) understand that willful falsification of infor-
18 mation within the affidavit may lead to disciplinary
19 action, including termination of employment, and
20 the recovery of the cost of benefits received related
21 to such falsification; and

22 (7) are same sex domestic partners, and not re-
23 lated in a way that, if the 2 were of opposite sex,
24 would prohibit legal marriage in the State in which
25 they reside.

1 (c) DISSOLUTION OF PARTNERSHIP.—

2 (1) IN GENERAL.—An employee or domestic
3 partner of an employee who obtains benefits under
4 this Act shall file a statement of dissolution of the
5 domestic partnership with the Office of Personnel
6 Management not later than 30 days after the death
7 of the employee or the domestic partner or the date
8 of dissolution of the domestic partnership.

9 (2) DEATH OF EMPLOYEE.—In a case in which
10 an employee dies, the domestic partner of the em-
11 ployee at the time of death shall be deemed a spouse
12 of the employee for the purpose of receiving benefits
13 under this Act.

14 (3) OTHER DISSOLUTION OF PARTNERSHIP.—

15 (A) IN GENERAL.—In a case in which a
16 domestic partnership dissolves by a method
17 other than death of the employee or domestic
18 partner of the employee, any benefits received
19 by the domestic partner as a result of this Act
20 shall terminate.

21 (B) EXCEPTION.—In a case in which a do-
22 mestic partnership dissolves by a method other
23 than death of the employee or domestic partner
24 of the employee, any health benefits received by
25 the domestic partner as a result of this Act

1 shall continue for a period of 60 days after the
2 date of the dissolution of the partnership. The
3 domestic partner shall pay for such benefits in
4 the same manner that a former spouse would
5 pay for such benefits under section 8905a of
6 title 5, United States Code.

7 (d) SUBSEQUENT PARTNERSHIPS.—If an employee
8 files a statement of dissolution of partnership under sub-
9 section (c)(1), the employee may file a certification of eli-
10 gibility under subsection (b) relating to another partner—

11 (1) not earlier than 180 days after the date of
12 filing such statement of dissolution, if such dissolu-
13 tion did not result from the death of a partner; or

14 (2) on any date after the filing of such state-
15 ment of dissolution, if such dissolution resulted from
16 the death of a partner.

17 (e) CONFIDENTIALITY.—Any information submitted
18 to the Office of Personnel Management under subsection
19 (b) shall be used solely for the purpose of certifying an
20 individual’s eligibility for benefits under subsection (a).

21 (f) DEFINITIONS.—In this Act:

22 (1) DOMESTIC PARTNER.—The term “domestic
23 partner” means an adult person living with, but not
24 married to, another adult person in a committed, in-
25 timate relationship.

1 (2) BENEFITS.—The term “benefits” means—

2 (A) any benefit under the civil service re-
3 tirement system under chapter 83 of title 5,
4 United States Code, including any benefit from
5 participation in the thrift savings plan under
6 subchapter III of chapter 84 of such title;

7 (B) any benefit under the Federal employ-
8 ees’ retirement system under chapter 84 of title
9 5, United States Code;

10 (C) life insurance benefits under chapter
11 87 of title 5, United States Code;

12 (D) health insurance benefits under chap-
13 ter 89 of title 5, United States Code; and

14 (E) compensation for work injuries under
15 chapter 81 of title 5, United States Code.

16 (3) EMPLOYEE.—

17 (A) With respect to Civil Service Retire-
18 ment, the term “employee” shall have the
19 meaning given such term in section 8331(1) of
20 title 5, United States Code.

21 (B) With respect to Federal Employees’
22 Retirement, the term “employee” shall have the
23 meaning given such term in section 8401(11) of
24 title 5, United States Code.

1 (C) With respect to life insurance, the
 2 term “employee” shall have the meaning given
 3 such term in section 8701(a) of title 5, United
 4 States Code.

5 (D) With respect to health insurance, the
 6 term “employee” shall have the meaning given
 7 such term in section 8901 of title 5, United
 8 States Code.

9 (E) With respect to compensation for work
 10 injuries, the term “employee” shall have the
 11 meaning given such term in section 8101(1) of
 12 title 5, United States Code.

13 (4) OBLIGATIONS.—The term “obligations”
 14 means any duties or responsibilities that would be
 15 incurred by the spouse of an employee.

16 **SEC. 3. EXEMPTION FROM TAX FOR EMPLOYER-PROVIDED**
 17 **FRINGE BENEFITS TO DOMESTIC PARTNERS.**

18 Section 106 of the Internal Revenue Code of 1986
 19 (relating to contributions by employer to accident and
 20 health plans) is amended by adding at the end the follow-
 21 ing new subsection:

22 “(d) TREATMENT OF DOMESTIC PARTNERS.—The
 23 provisions of section 2 of the Domestic Partnership Bene-
 24 fits and Obligations Act of 1998 shall apply to employees
 25 and domestic partners of employees for purposes of this

1 section and any other benefit which is not includible in
2 the gross income of employees by reason of an express pro-
3 vision of this chapter.”.

4 **SEC. 4. FUNDING.**

5 It is the sense of Congress that any funds necessary
6 for the implementation of this Act should be funded from
7 reductions in unnecessary tax benefits available only to
8 large corporations and individuals who are in the maxi-
9 mum tax bracket.

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